

EXHIBIT E

Page 1

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
Index No.: 14-cv-4702 (LDW) (ARL)

4 -----x
5 RAMON MORALES,

6 Plaintiff,
7
8 -against-
9
10 5 BROTHERS RESTAURANT, INC., DENNIS
11 D'ONOFRIO, and OLD TOWN INC.,
12
13 Defendants.
14 -----x
15
16 32 Broadway, Suite 601
17 New York, New York 10004
18
19 July 8, 2015
20 2:00 p.m.
21
22 EXAMINATION BEFORE TRIAL OF
23 RAMON MORALES, the Plaintiff herein, taken
by the Defendants, held at the
above-mentioned time and place before
ANNMARIE OAKLEY, a Notary Public of the
State of New York.

<p>1 2 APPEARANCES 3 4 JOSEPH & KIRSCHENBAUM, LLP 5 Attorneys for Plaintiff 6 32 Broadway 7 Suite 601 8 New York, New York 10004 9 10 BY: LAURA REZNICK, ESQ. 11 D. MAIMON KIRSCHENBAUM 12 WICKMAN, BRESSLER & GEASA, P.C. 13 Attorneys for Defendant 14 13015 Main Road 15 PO Box 1424 16 Mattituck, New York 11952 17 BY: ERIC J. BRESSLER, ESQ. 18 19 ALSO PRESENT: Debra Torres, Paralegal 20 Lillian Bond 21 Interpreter, Elite 22 23 * * * 24 25</p>	<p>Page 2</p> <p>1 2 LILLIAN BOND was duly sworn to accurately 3 translate from English into Spanish and from 4 Spanish into English. 5 RAMON MORALES, the Plaintiff herein, having 6 first been duly sworn by a Notary Public of 7 the State of New York, was examined and 8 testified as follows: 9 EXAMINATION BY MR. BRESSLER: 10 Q Would you state your name for the 11 record, please. 12 A. Ramon Morales. 13 Q Would you state your address for 14 the record, please. 15 A. 58 Piedemont Drive, Port 16 Jefferson, New York 11776. 17 Q. Good afternoon, Mr. Morales, my 18 name is Eric Bressler. I'm the attorney for 19 the defendants in this action that you have 20 brought. I will be asking you some 21 questions this afternoon. Have you ever 22 been involved in a lawsuit before? 23 A. No. 24 Q. Have you ever been involved in a 25 deposition before?</p>
<p>1 2 3 4 STIPULATIONS 5 6 IT IS HEREBY stipulated and agreed by 7 and among counsel for the respective parties 8 hereto, that the sealing and certification 9 of the within deposition shall be and the 10 same hereby waived. 11 IT IS FURTHER STIPULATED AND AGREED 12 that all objections, except to the form of 13 the question, shall be reserved to the time 14 of trial; 15 IT IS FURTHER STIPULATED AND AGREED 16 that the within deposition may be signed 17 before any Notary Public with the same force 18 and effect as if signed and sworn to before 19 the court. 20 IT IS FURTHER STIPULATED AND AGREED 21 that counsel representing the witness 22 examined herein shall be furnished with a 23 copy of the within deposition without 24 charge. 25</p>	<p>Page 3</p> <p>1 R. MORALES 2 A. No. 3 Q. Have you discussed your testimony 4 here today with anyone? 5 A. Yes. 6 Q. With whom did you discuss it with? 7 A. My lawyer. 8 Q. Anyone else? 9 A. No. 10 Q. Now, I'm going to be asking you a 11 series of questions. 12 A. Okay. 13 Q. Is there any reason why you will 14 not be able to answer my questions this 15 afternoon, that you know of? 16 A. I don't think so. 17 Q. Have you had any alcoholic 18 beverages to drink today prior to this 19 deposition? 20 A. No. 21 Q. Are you taking any drugs which 22 would affect your ability to understand any 23 of the questions put to you? 24 A. No. No. 25 Q. Are you suffering from any disease</p>

2 (Pages 2 - 5)

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<p>1 R. MORALES 2 or condition which would affect your ability 3 to understand any of my questions? 4 A. No. 5 Q. How many languages do you speak? 6 A. Just one. 7 Q. Can you understand English? 8 A. Not much. 9 Q. Some? 10 A. No -- well, that's why I asked for 11 an interpreter, because I don't understand. 12 Q. I asked: Do you understand some 13 English? 14 A. A little bit. 15 Q. Can you read any English? 16 A. No. 17 Q. None? 18 A. Nothing. Nothing. 19 Q. Have you ever attended any 20 educational institution? 21 A. No. I came here to work only. 22 Q. That's not my question. Have you 23 ever gone to school? 24 A. No. No. 25 Q. No where?</p>	<p style="text-align: right;">Page 6</p> <p>1 R. MORALES 2 A. I did deliveries. 3 Q. What was the name of the business 4 that ran the cafeteria in Stonybrook for 5 which you did deliveries? 6 A. Edge Cafeteria. It belongs to the 7 city or county of Stonybrook. 8 MS. TORRES: The university. 9 Q. What was the name? 10 A. Edge Cafeteria. 11 Q. How long did you work as a 12 delivery person at the cafeteria? 13 A. Approximately four years. 14 Q. Did there come a time that you 15 left the employment of the cafeteria? 16 A. Yes. 17 Q. What was the reason for you 18 leaving? 19 A. I had an operation on my back. 20 The deliveries were very heavy. 21 Q. Did there come a time after 22 leaving the cafeteria that you obtained 23 other employment? 24 A. Yes. Albar. 25 Q. What is that?</p>
<p>1 R. MORALES 2 A. No. No place. Nope. 3 Q. Now, you stated you came here to 4 work. 5 A. Exactly. 6 Q. Where did you come from? 7 A. Dominican Republic. 8 Q. When did you come here to work 9 from the Dominican Republic? 10 A. Approximately fourteen years. 11 Q. Fourteen years ago? 12 A. Yes. 13 Q. When you first came here, and by 14 here I mean the United States, to work from 15 the Dominican Republic did you find 16 employment? 17 A. Yes. 18 Q. What employment did you first 19 engage in upon arriving here? 20 A. It's in Stonybrook. It was a 21 cafeteria. That's where I worked. 22 MS. TORRES: He said it was in a 23 university. 24 Q. What was your job in the cafeteria 25 at Stonybrook?</p>	<p style="text-align: right;">Page 7</p> <p>1 R. MORALES 2 A. A restaurant. 3 Q. Where was it located? 4 A. Right there, 47, that's it. 5 Q. 47 what? 6 A. I don't remember. 7 Q. What town was it in? 8 A. Port Jefferson Station, Long 9 Island. 10 Q. What was the business of Albar? 11 A. It's a restaurant. 12 Q. What year did you first start 13 working at the restaurant? 14 A. I don't remember. 15 Q. How long were you out of work as a 16 result of your operation? 17 A. About four years, approximately, 18 without being able to work. 19 Q. What was your job at the 20 restaurant? 21 MS. REZNICK: Objection as to 22 form. 23 A. Dishwasher. 24 MS. REZNICK: Objection as to 25 form. Can you clarify which restaurant</p>

3 (Pages 6 - 9)

<p>1 R. MORALES 2 you're talking about? 3 MR. BRESSLER: The witness has 4 answered the question. 5 Q. How long were you a dishwasher at 6 this Albar? 7 A. I don't remember. 8 Q. Was it more than a year? 9 A. Yes. 10 Q. Was it more than two years? 11 A. I don't know. I don't remember. 12 Q. Why did you leave the job as a 13 dishwasher at Albar? 14 A. Because I wanted a better 15 position. 16 Q. Upon leaving that dishwasher job 17 at Albar, did you obtain employment 18 elsewhere? 19 A. Yes. After that I found I could 20 work at Old Town Pizza. 21 Q. What year did you find employment 22 with Old Town Pizza? 23 A. 2011. 24 Q. Where was Old Town Pizza located? 25 A. Port Jefferson but on a different</p>	<p>Page 10</p> <p>1 R. MORALES 2 Q. Did you always work at the 3 pizzeria location in Port Jefferson Station? 4 A. Yes. 5 Q. When you first talked to someone 6 at Old Town Pizza about being hired, whom 7 did you talk to? 8 A. I asked somebody by the name of 9 Mario. I don't know his last name, but he 10 gave me a job. 11 Q. What did Mario tell you about the 12 terms and conditions of the job? 13 A. He said to me, "First you're going 14 to wash dishes." That's what he said. 15 Q. Did you have a discussion about 16 your rate of pay with Mario? 17 A. No. 18 Q. Did you have a discussion with 19 anyone at Old Town Pizza about your rate of 20 pay? 21 A. There was a minimum that they had 22 to pay. I thought it was \$4.25 an hour, but 23 I started. 24 MR. BRESSLER: What did the 25 witness say? Would you ask him again,</p>
<p>1 R. MORALES 2 road. 3 Q. In what capacity were you hired at 4 Old Town Pizza? 5 A. First when I started there I would 6 wash up. I was a dishwasher when I first 7 started. 8 Q. How long were you a dishwasher at 9 Old Town Pizza? 10 A. Approximately six months doing 11 that, but then I passed on to the prep. 12 Q. How long did you work in prep at 13 Old Town Pizza? 14 A. Approximately two years. 15 Q. When did you last work at Old Town 16 Pizza? 17 A. I don't remember. 18 Q. What year? 19 A. I don't remember. It's been about 20 a year since I left that place. 21 Q. During the time that you worked 22 for Old Town Pizza, what location did you 23 work at? 24 A. I did the preparation for the 25 pizza.</p>	<p>Page 11</p> <p>1 R. MORALES 2 please. 3 A. The minimum was \$425 a week for 4 six days. 5 Q. \$425? 6 A. Yes. 7 Q. Who told you that? 8 A. Mario. The same one that spoke to 9 me. Mario. 10 Q. Did you ever speak to Dennis 11 D'Onofrio? 12 A. That was the boss. That was my 13 boss. 14 Q. I didn't ask that. I asked: Did 15 you ever speak with him? 16 A. Of course. Of course, we would 17 speak. 18 Q. When was the first time you spoke 19 to Dennis D'Onofrio? 20 A. I don't remember. 21 Q. Did you ever speak to Dennis about 22 your compensation? 23 A. Yes. He said, "Later we'll 24 increase you." 25 Q. When did that conversation take</p>

<p>1 R. MORALES 2 place? 3 A. I don't remember. 4 Q. Was it before or after you were 5 hired? 6 A. It was after I already started 7 working. 8 Q. While you worked at Old Town 9 Pizza, was there someone who supervised you? 10 A. Well, just people there in the 11 pizzeria. There was Ricardo Rodriguez and 12 there was somebody names Amedeo. 13 Q. What position did those people 14 hold? 15 A. They were supervisors. 16 Q. At the time that you started 17 working at the pizzeria, how much were you 18 being paid? 19 A. \$425 for six days. 20 Q. Did there come a time when you 21 received an increase in pay? 22 A. Yes. That was when I went over to 23 the prep. 24 Q. How much did your pay go up? 25 A. \$475.</p>	<p>Page 14</p> <p>1 R. MORALES 2 would look at me. 3 Q. When you arrived at work, did you 4 have to make an entry to a point of sale 5 system noting your time of arrival? 6 A. No, because I didn't have to. 7 There was no system. 8 Q. When you left, at the end of the 9 day, did you have to checkout with any of 10 your supervisors? 11 A. Yes, of course, and we would leave 12 together. 13 Q. Did you have to log the time you 14 left into any point of sale or other 15 electronic system? 16 A. The supervisor would note that 17 down. 18 Q. Where would the supervisor note 19 that down? 20 A. On the computer. 21 Q. Would your supervisor make a note 22 on the computer every time you arrived in 23 the morning? 24 A. Exactly. Exactly. 25 Q. Did you see the supervisors making</p>
<p>1 R. MORALES 2 Q. Did you receive the \$425 before 3 you went to prep, each week? 4 A. Yes, every six days. Yes. 5 Q. After you went to prep, did you 6 receive \$475 each week. 7 A. Yes, every six days. 8 Q. How many hours per day did you 9 work while you were a dishwasher? 10 A. I worked from 10 to 10. 11 Q. How many hours did you work while 12 you were in prep? 13 A. It was six days, it was 10 to 10 14 for the six days, 72 per week. 15 Q. Did you keep track of your hours 16 in writing? 17 A. No. 18 Q. Each morning when you came to the 19 restaurant did you check in with a person? 20 A. I didn't have to, the same one I 21 worked with was the supervisor or the boss. 22 Q. My question was: When you 23 arrived, did you check in with one of those 24 bosses or supervisors? 25 A. Well, they would see me. They</p>	<p>Page 15</p> <p>1 R. MORALES 2 that entry when you would arrive in the 3 morning? 4 A. I don't know what he did. He had 5 his computer. 6 Q. When you came to work for the 7 restaurant, Old Town Pizza, were you given a 8 code or number such that you could note your 9 arrival and your departure from work into 10 the computer or point of sale system? 11 A. No. When I worked there, there 12 was no system like that. There never was 13 when I worked there. 14 Q. As a result of working 72 hours as 15 a dishwasher, how much do you claim you were 16 entitled to per week? 17 MR. KIRSCHENBAUM: Objection. It 18 calls for a legal conclusion. 19 MR. BRESSLER: I just want to know 20 what he thinks. 21 MR. KIRSCHENBAUM: I'm just 22 objecting. 23 MR. BRESSLER: He can answer if he 24 can. 25 A. As a dishwasher?</p>

<p>1 R. MORALES 2 MR. KIRSCHENBAUM: Please, 3 translate my objection. 4 Q. Yes. 5 MR. BRESSLER: Your objection is 6 in English. 7 MR. KIRSCHENBAUM: I'm asking her 8 to translate it. 9 A. I don't know. 10 Q. You don't know? 11 MR. KIRSCHENBAUM: Objection asked 12 and answered. 13 Q. The same question with respect to 14 when you were in prep working the 72 hours 15 that you worked, what is it that you claim 16 that you were entitled to each week for that 17 work? 18 MR. KIRSCHENBAUM: Objection. 19 Calls for a legal conclusion. 20 Please, translate my objection. 21 A. I don't know that. I don't know 22 that either. 23 Q. For every day that you worked at 24 the pizzeria, did you work the exact same 25 hours every day?</p>	<p style="text-align: right;">Page 18</p> <p>1 R. MORALES 2 problem. 3 Q. Now, did you understand at any 4 time what the rate of pay per hour was for 5 working at Old Town Pizza? 6 A. I'm going to repeat. They don't 7 pay by the hour. 8 Q. Were you ever asked to sign a 9 document that reflected how much you were 10 going to be paid per hour? 11 A. No. 12 Q. Did you ever sign a document that 13 reflected how much you were going to be paid 14 per hour for working at Old Town Pizza? 15 A. No. No. 16 MR. BRESSLER: Counselor, is it 17 okay if I use the exhibits that were marked 18 in this morning's deposition, or would you 19 like them remarked. 20 MS. REZNICK: It's fine. 21 MR. BRESSLER: We can use the ones 22 that are marked. 23 MS. REZNICK: Yes. 24 MR. KIRSCHENBAUM: Before you 25 present that to the witness, why don't we</p>
<p>1 R. MORALES 2 A. Yes. 3 Q. Did you ever have a discussion or 4 conversation with anyone at Old Town Pizza 5 about what your hourly rate pay was to be? 6 A. No. 7 Q. Did you ever see any writing that 8 described what your hourly rate of pay was 9 to be at Old Town pizza? 10 A. No. They pay by the hour. 11 MR. KIRSCHENBAUM: You got your 12 answer. And I want to clarify, there's a 13 Spanish speaker in the room who heard that 14 what my client testified to was, "They do 15 not pay by the hour." 16 MR. BRESSLER: We don't recognize 17 anyone other than the interpreter. 18 MR. KIRSCHENBAUM: I am just 19 stating for the record. 20 MR. BRESSLER: Don't state for the 21 record -- 22 MR. KIRSCHENBAUM: If you have a 23 problem with my objection, there's a 24 telephone and you can call the judge. 25 MR. BRESSLER: No. I have no</p>	<p style="text-align: right;">Page 19</p> <p>1 R. MORALES 2 just take a quick break. 3 MR. BRESSLER: We've only been at 4 this for 30 minutes. 5 MR. KIRSCHENBAUM: I would like a 6 moment with my client. 7 MR. BRESSLER: I don't want the 8 witness -- 9 MR. KIRSCHENBAUM: You don't have 10 a choice, and we're allowed to confer with 11 our client. 12 MR. BRESSLER: The purpose of this 13 is to -- well, never mind. It's obvious 14 what the purpose is. The witness has 15 testified and you -- 16 MR. KIRSCHENBAUM: Now you're 17 testifying. 18 MR. BRESSLER: The witness has 19 testified to what he's testified to. 20 MR. KIRSCHENBAUM: Now you would 21 like to testify? 22 MR. BRESSLER: Either you're going 23 to consult with your client or I will put 24 the next question. 25 (A short break was taken.)</p>

6 (Pages 18 - 21)

<p>1 R. MORALES 2 MR. BRESSLER: Let the record 3 reflect that we're back after counsel 4 conferred with his client. 5 MS. REZNICK: Again, objection to 6 counsel testifying. 7 MR. BRESSLER: Let me state for 8 the record, we all have had difficulty here 9 with the names of the restaurant and the 10 prior place of employment. I'm going to ask 11 the reporter to leave a space upon the 12 completion of the transcript for those names 13 to be filled in as correctly as they can be. 14 INSERT _____ 15 INSERT _____ 16 Q. Did there come a time when your 17 employment with Old Town Pizza came to an 18 end? 19 A. Yes. 20 Q. When did it come to an end? 21 A. I don't remember actually but 22 about a year ago. 23 Q. Did you leave voluntarily or was 24 your employment terminated by Old Town 25 Pizza?</p>	<p>Page 22</p> <p>1 R. MORALES 2 A. It is my signature, but I don't 3 remember, but I signed it. What time, what 4 hour, I don't know what time. 5 Q. I'm showing -- 6 MS. REZNICK: I'm sorry. May I 7 have the copy. 8 Q. I'm showing you Plaintiff's 9 Exhibit 5, from the deposition this morning, 10 dated 7/8/15. I ask you to take a look at 11 it. 12 MS. REZNICK: Just to clarify, is 13 that the document Bates stamped number 110? 14 MR. BRESSLER: Yes. 15 Q. Do you recognize it? 16 A. No. 17 Q. Does it bear your signature? 18 A. It has a signature, but I don't 19 know if I signed it. I don't remember 20 having signed this particular sheet which is 21 Exhibit 5, because over here it's not the 22 right hours. I worked from 10 to 10. 23 Q. So is it your testimony that you 24 don't know whether Plaintiff's 5 contains 25 your signature?</p>
<p>1 R. MORALES 2 A. They let me go because I was ill. 3 I was sick. 4 Q. Who was the person who advised you 5 on behalf of Old Town Pizza that you were 6 being terminated? 7 A. Dennis called Ricardo to let me 8 know that I should not go back. 9 Q. Whom did you talk to? Was it 10 Ricardo? 11 A. Yes, Ricardo. 12 Q. Did you talk to Dennis D'Onofrio 13 at that time? 14 A. No. 15 Q. I'm showing you a document that's 16 been marked Plaintiff's Exhibit 4, used at a 17 deposition today, 7/8/15, and ask you if you 18 recognize it. 19 A. I recognize this. 20 Q. That's my question, do you 21 recognize the document? 22 A. What I recognize is, this is my 23 signature. 24 Q. Where it says "Ramon Morales" 25 that's your signature?</p>	<p>Page 23</p> <p>1 R. MORALES 2 A. No, because I don't recall having 3 signed this sheet because for six days I 4 would work from 10 to 10. 5 Q. Does it look like your signature? 6 A. You know it could be, but I don't 7 know. 8 Q. Do you understand that you are 9 suing Old Town Pizza and Dennis D'Onofrio? 10 A. Yes. 11 Q. Do you know what Old Town Inc. is? 12 A. That I don't know. 13 Q. Do you know what Five Brothers 14 Restaurant Inc. is? 15 A. No. I don't know that either. 16 Q. Did there ever come a time when 17 you had an opportunity to review a document 18 known as a "complaint" in this action? 19 A. They never gave me that. 20 Q. By a complaint I mean, the 21 statement that gets filed with the court 22 that sets forth what your claim is. 23 MR. KIRSCHENBAUM: I'm just going 24 to clarify before this question is answered. 25 I'm going to ask the translator to translate</p>

7 (Pages 22 - 25)

<p>1 R. MORALES 2 it for the client. He's not required to 3 divulge or to answer that question. Any 4 communication that his attorneys had or did 5 not have with him. He doesn't need to 6 discuss any level of communication that he 7 had with his attorneys.</p> <p>8 MR. BRESSLER: Don't make 9 statements on my record. I asked a simple 10 question, did he see the complaint.</p> <p>11 MR. KIRSCHENBAUM: Could you, 12 please, translate my statement.</p> <p>13 (The requested portion was read 14 back by the Court Reporter.)</p> <p>15 Q. So my question is: Did you see at 16 any time a document that had been filed or 17 was going to be filed with the court?</p> <p>18 MR. KIRSCHENBAUM: That question 19 was already answered.</p> <p>20 A. I did not see it. I did not see 21 it.</p> <p>22 Q. You testified earlier that while 23 you were a dishwasher you were paid \$425 a 24 week.</p> <p>25 A. Yes. Yes.</p>	<p>Page 26</p> <p>1 R. MORALES 2 money you were being paid for your work? 3 A. Yes. Well, that's why he gave me 4 more, \$475 for prep. 5 Q. Except for what you just told me 6 about, did you talk to Dennis in 2012 and 7 make a complaint about the amount of money 8 you were receiving for your work, except 9 what you just told me?</p> <p>10 A. No.</p> <p>11 Q. In 2013, did you ever make a 12 complaint to Dennis D'Onofrio about the 13 amount of money that you were receiving for 14 your work?</p> <p>15 A. No.</p> <p>16 Q. In 2014 did you ever make a 17 complaint to Dennis D'Onofrio about the 18 amount of money that you were being paid for 19 your work?</p> <p>20 A. No.</p> <p>21 Q. When did you first come to believe 22 that you weren't paid enough for your work?</p> <p>23 MR. KIRSCHENBAUM: Objection.</p> <p>24 A. I don't remember.</p> <p>25 Q. Do you remember what year it was?</p>
<p>1 R. MORALES 2 Q. Was there ever a time while you 3 were a dishwasher that you were paid only 4 \$400 dollars a week?</p> <p>5 A. No.</p> <p>6 Q. You testified before that as a 7 prep man you were paid \$475 each week you 8 worked.</p> <p>9 A. Yes, when I went to prep. Yes.</p> <p>10 Q. Was there ever a time while you 11 were a prep man that you were paid \$450 a 12 week?</p> <p>13 A. No. No.</p> <p>14 Q. In 2011, did you make a complaint 15 to Dennis D'Onofrio about the amount of 16 compensation you were receiving for your 17 work?</p> <p>18 A. No.</p> <p>19 Q. In 2012 did you make any complaint 20 to Dennis D'Onofrio about the compensation 21 you were receiving for your work?</p> <p>22 A. Yes. I was earning the same when 23 I was doing prep at that time.</p> <p>24 Q. In 2012, did you make a complaint 25 to Dennis D'Onofrio about the amount of</p>	<p>Page 27</p> <p>1 R. MORALES 2 A. No, I don't remember.</p> <p>3 Q. Do you remember any of the 4 circumstances surrounding your determination 5 for the first time that you had not been 6 paid sufficiently for your work?</p> <p>7 A. I don't remember. I thought 8 everything was all right. I don't remember.</p> <p>9 Q. Did you maintain any books and 10 records or other writing with respect to 11 your employment at Old Town Pizza?</p> <p>12 A. No. No.</p> <p>13 Q. Did you ever receive any paperwork 14 from Old Town Pizza with respect to 15 compensation that you received from them?</p> <p>16 A. No.</p> <p>17 Q. During the time that you say you 18 worked for Old Town Pizza, did you file 19 federal income tax returns?</p> <p>20 MR. KIRSCHENBAUM: Objection. I'm 21 going to instruct my client not to answer 22 the question.</p> <p>23 MR. BRESSLER: The basis?</p> <p>24 MR. KIRSCHENBAUM: That 25 information is presumed non-discoverable</p>

8 (Pages 26 - 29)

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<p>1 R. MORALES 2 under case law. 3 MR. BRESSLER: Well, we'll get a 4 ruling from the magistrate and bring him 5 back if we have to. 6 MR. KIRSCHENBAUM: You don't have 7 to bring him back. Call the magistrate 8 right now. 9 MR. BRESSLER: I'm not calling the 10 magistrate, and we'll see if we need to 11 bring the client back. 12 MR. KIRSCHENBAUM: You're going to 13 lose your opportunity because you're free to 14 call the magistrate right now. 15 MR. BRESSLER: I'm not going to 16 call the magistrate in the middle of my 17 examination. 18 MR. KIRSCHENBAUM: At your own 19 peril. 20 MR. BRESSLER: Not at my peril. 21 Q. Did you keep any records with 22 respect to the hours that you work at Old 23 Town Pizza? 24 MR. KIRSCHENBAUM: Objection. 25 Asked and answered.</p>	<p>Page 30</p> <p>1 R. MORALES 2 Q. Just two subject areas that need 3 to be broken down, but just to clarify from 4 before, when you said you never went to 5 school did you mean that you never went to 6 any school anywhere? 7 MR. BRESSLER: I object to the 8 form of the question. 9 A. In Santo Domingo I did. Yes, I 10 went up to the seventh grade. 11 Q. Was there ever any day you worked 12 at Old Town that you came in a time other 13 than 10 a.m.? 14 A. Well, one day I went to the 15 doctor, and I got there later, and I put 16 somebody in my place, in my corner there to 17 cover me, to cover for me. 18 MS. REZNICK: That's all I have. 19 MR. BRESSLER: No more questions. 20</p> <hr/> <p>21 RAMON MORALES 22 Subscribed and sworn to before me 23 this _____ day of _____, 2015. 24</p> <hr/> <p>25 NOTARY PUBLIC</p>
<p>1 R. MORALES 2 A. No. No, but I do know that I 3 worked from 10 to 10. 4 Q. Did you work everyday 10 to 10 5 while you were employed there, without fail? 6 A. Yes. Yes, everyday. 7 Q. Did you ever miss a day of work 8 during the term of your employment at Old 9 Town Pizza? 10 A. Yeah, maybe one or one day or so, 11 maybe one, some days, maybe. 12 Q. During all the time that you 13 worked at Old Town Pizza, did you ever show 14 up later than 10 in the morning? 15 A. No. Never. 16 Q. During all the time that you 17 worked at Old Town Pizza, did you ever leave 18 prior to 10 o'clock at night? 19 A. No. No, my hours were 10 to 10. 20 MR. BRESSLER: I have no more 21 questions. 22 MS. REZNICK: Can we take a five 23 minute break, please. 24 (A short break was taken.) 25 CROSS EXAMINATION BY MS. REZNICK:</p>	<p>Page 31</p> <p>1 2 I N D E X 3 DIRECT CROSS 4 Mr. Bressler 4 5 Ms. Reznick 31 6 7 8 I N S E R T I O N S 9 DESCRIPTION PAGE LINE 10 Names of previous 22 14 employers 11 12 13 14 MARKED FOR A RULING PAGE LINE 16 29 17 17 18 * * * 19 20 21 22 23 24 25</p>

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<p>1 2 C E R T I F I C A T E 3 4 I, ANNMARIE OAKLEY, a Shorthand 5 Reporter and Notary Public within and for 6 the State of New York, do hereby certify: 7 THAT RAMON MORALES, the witness 8 whose deposition is hereinbefore set forth, 9 was duly sworn by me, and that such 10 deposition is a true record of the testimony 11 given by such witness. 12 I further certify that I am not 13 related to any of the parties to this action 14 by blood or by marriage and that I am in no 15 way interested in the outcome of this 16 matter. 17 IN WITNESS THEREOF, I have 18 hereunto set my hand this 21st day of July, 19 2015. 20 21 <i>Annmarie</i> 22 23 ANNMARIE OAKLEY 24 25</p>	Page 34
<p>1 2 ERRATA SHEET 3 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK 4 NAME OF CASE: RAMON MORALES VS. 5 BROTHERS RESTAURANT, INC., DENNIS D'ONOFRIO, 5 AND OLD TOWN INC. 6 DATE OF DEPOSITION: JULY 8, 2015 6 NAME OF DEPONENT: RAMON MORALES 7 8 PAGE LINE(S) CHANGE REASON 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____</p> <p>21 22 RAMON MORALES 23 SUBSCRIBED AND SWORN TO BEFORE ME 23 THIS ____ DAY OF _____, 2015. 24 25 NOTARY PUBLIC</p>	Page 35

10 (Pages 34 - 35)

[& - complaint]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.